

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3906 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

KINJAL PRATHMESH PATEL THROUGH FATHER

Versus

REGIONAL PASSPORT OFFICER AHMEDABADD.

Appearance:

MR DC DAVE for Petitioner

MR M.R.SHAH for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 12/07/1999

ORAL JUDGEMENT

The petitioner is a minor and claims the Passport with the name of her adoptive father, who is a natural paternal uncle. It is given out that the Embassy of U.S.A. had already issued a Visa call in the name of her adoptive father, but the Regional Passport Officer at Ahmedabad is not accepting the petitioner's application in the name of the petitioner as daughter of adoptive father and they are insisting for the name of her natural

father. Mr. M.R.Shah appearing for the respondent has submitted that initially there was some doubt about the validity of the adoption, but now respondent is satisfied that the adoption is genuine and it is also submitted by Mr. Dave and agreed by Mr.M.R.Shah that the controversy involved in this case is fully covered in favour of the petitioner by a decision of this court in the case of A.S.Patel v. Union of India, reported in 1992 (2) GLR 1317.

Rule. Mr. M.R.Shah waives service of the rule on behalf of respondent.

In the facts and circumstances of this case, as stated above, when there is no dispute between the parties with regard to the adoption of the petitioner by her paternal uncle, who is now her adoptive father, the respondent - Regional Passport Officer is directed to entertain the petitioner's application for the Passport as daughter of her adoptive father, namely, Prathmesh Bhagwadprasad Patel and deal with such application in accordance with law for the purpose of issuing passport treating her as the daughter of her adoptive father Shri Prathmesh Bhagwadprasad Patel, at the earliest possible opportunity and preferably before 14.8.99. This Special Civil Application is allowed and the rule is made absolute in the terms, as aforesaid. No order as to costs. Direct service is permitted.